

AG Contract No.: KR01-1590TRN  
ADOT File No.: JPA 01-128-**Amendment #2**  
Project: SR 89  
Section: Sundog Ranch-Willow Lake Roads  
TRACS No.: H6187 01 C  
BUDGET SOURCE ITEM NO.: 20105

**AMENDMENT NUMBER TWO (2)**

**INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF PRESCOTT

**THIS AGREEMENT**, is entered into August 14th 2007, **Amendment Two** to JPA 01-0128, AG Contract KR01-1590TRN, filed with the Secretary of State under No. 25125, pursuant to Arizona Revised Statutes § 11-951 through § 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PRESCOTT, ARIZONA, acting by and through its MAYOR and CITY COUNCIL (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes § 28-401, § 9-240 and § 11-952 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

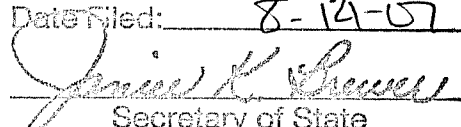
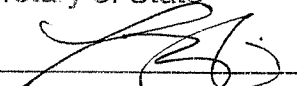
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

**The purpose of this Amendment is to** invoice the City for requested additional changes to Project #2 by change order as stated in Amendment One. Upon receipt of an invoice from the State, the City will remit \$27,467.05 for the additional improvements to Project #2. The following improvements for Project #2 requested by the City are listed below.

a) Additional changes: Lift station, traffic bollards and retaining wall at Rosser Street.

**The following language shall be added to this Amendment-Two under the Scope of Work II.1.i and II.2.h.**

**THEREFORE**, in consideration of the mutual covenants expressed herein, this Agreement is amended hereto as follows:

NO. 25125  
Filed with the Secretary of State  
Date Filed: 8-14-07  
  
Secretary of State  
By: 

**II. SCOPE OF WORK**

1. The State shall:

**Add the following language to Article II.1.i:**

i. Upon execution of this Agreement invoice the City in the amount of \$27,467.05, the actual amount but not to exceed , for the additions to Project #2, which includes construction engineering and administration costs, as shown on Exhibit A, attached hereto and made apart hereof.

2. The City shall:

**Add the following language to Article II. 2.h:**

h. Upon execution and receipt of an invoice from the State, remit an amount of \$27,467.05, the actual amount but not to exceed for the additions to Project #2, which includes construction engineering and administration costs, as shown on Exhibit A, attached hereto and made apart hereof


**EXCEPT AS AMENDED** herein, all other terms and conditions of the original Agreement and Amendment One shall remain in full force and effect.

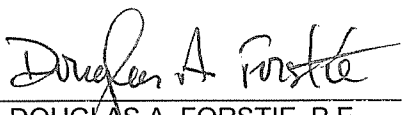
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**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year first above written.

**CITY OF PRESCOTT**

**STATE OF ARIZONA**  
Department of Transportation

By   
\_\_\_\_\_  
ROWLE P. SIMMONS  
Mayor

By   
\_\_\_\_\_  
DOUGLAS A. FORSTIE, P.E.  
Deputy State Engineer, Operations

ATTEST:

By   
\_\_\_\_\_  
LIZ BURKE  
City Clerk

Revised March 22, 2007-ly  
G: 01-128 Amendment #2  
Revised March 29<sup>th</sup>, 2007-ly

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**COUNCIL AGENDA MEMO – May 1, 2007**

**DEPARTMENT:** Engineering Services

**AGENDA ITEM:** Adoption of Resolution No. 3813 approving amendment two to intergovernmental agreement JPA 01-128 with the State of Arizona for improvements to State Route 89.

*2001-128A2 Res 3813*

**Approved By:** *City Council* *EWB* **Date:** *5/8/07*

**Department Head:** Mark Nietupski *Mark Nietupski* *4-20-07*

**Finance Director:** Mark Woodfill

**City Manager:** Steve Norwood *SNorwood* *4/26/07*

**Item Summary**

Approval of this item will authorize Amendment No. 2 to intergovernmental agreement JPA 01-128 between the City of Prescott and State of Arizona for the recently completed improvements to State Route 89 between the north boundary of the Yavapai-Prescott Indian Reservation and the south edge of Hillsdale Road.

**Background**

On October 30, 2001, City Council adopted Resolution 3389 authorizing Intergovernmental Agreement JPA 01-128 with ADOT, which was amended April 20, 2005, by Resolution 3662, for joint participation in improving/widening State Route 89 to five lanes. The attached intergovernmental agreement (IGA), amendment two, will authorize final payment to ADOT for the cost of additional work (sewer lift station, traffic bollards and retaining wall), in the total amount of \$27,467.05, performed at the City's request during the course of the project.

**Budget**

Funds are available from the One Cent Sales Tax for Streets and Open Space and Sewer Fund for final payment.

- Attachments**
- Resolution No. 3813 (to be provided by City Attorney)
  - IGA Amendment No. 2 with the State of Arizona

**Recommended Action:** MOVE to adopt Resolution No. 3813

JPA 01-128

**AMENDMENT NUMBER TWO (2)**


ATTORNEY APPROVAL FORM

FOR THE CITY OF PRESCOTT

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PRESCOTT, an agreement among public agencies which, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 8th day of May, 2007.

  
\_\_\_\_\_  
City Attorney

<p>TERRY GODDARD Attorney General</p>	  <p><b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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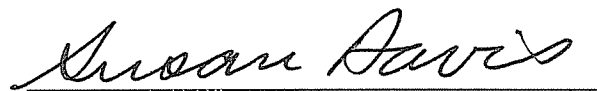
**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR01-1590TRN (**JPA 01-128, Amendment No. 2**), an Agreement between public agencies, i.e., The State of Arizona and The City of Prescott, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: August 8, 2007

TERRY GODDARD  
Attorney General

  
 SUSAN E. DAVIS  
 Assistant Attorney General  
 Transportation Section

SED:mjf:40100  
Attachment